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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,127	11/27/2001	Victor Chan	CA920000048US1/2174P	1458
29141	7590	01/05/2005	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			VEILLARD, JACQUES	
			ART UNIT	PAPER NUMBER
			2165	
DATE MAILED: 01/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/996,127

Applicant(s)

CHAN ET AL.

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/27/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the Applicant's communication filed on 7/19/2004.
2. Claims 1- 50 are presented for examination upon which claims 29-50 were withdrawn.
3. Claims 1-28 are pending as elected by applicant for examination.
4. Claims 1, 9, 15, and 22 are the independent claims. Other claims are the dependent.

### ***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2,327,167 CANADA, filed on 11/30/2000.

### ***Information Disclosure Statement***

6. The information disclosure statement (IDS) submitted on 11/27/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a computer or a machine which would result in a practical application producing a concrete, useful, and tangible result.

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9. Although the claims disclose a method of composing a query against a database, the method itself can be achieved mentally by a human without a computer or a machine; therefore, the language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technical art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

10. Claims 1-7 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a computer or a machine asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bailey (U. S. Pat. No. 6,658,407).

As per claims 1 and 9, Bailey discloses “A clause-based relational queries” by providing query objects that facilitate accessing data contained in a database (See Bailey Title and the Abstract). In particular, Bailey discloses the claimed limitations of: a) “composing a selection

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clause for said query, said selection clause comprising a results set related to said query” by providing a query string using a select clause mechanism (See Bailey col.6, line 46 through col.7, line 11); b) “composing a criteria clause for said query, said criteria clause comprising input criteria related to said query and additional criteria specified against said query” by connecting the clauses with Boolean operators (See Bailey col.7, lines 12-36); and c) “composing a source clause utilizing elements in said database identified by said query” by the From clause as the source(See Bailey col.8, lines 33-56).

As per claims 15 and 22, most of the limitations of these claims have been noted in the rejection of claims 1 and 9. Applicant’s attention is directed to the rejection of claims 1 and 9 above. In addition, Bailey discloses a computer readable medium encoded on a medium (See Bailey col.13, lines 36-45). Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claims 1 and 9 above.

As per claims 2 and 10, most of the limitations of these claims have been noted in the rejection of claims 1 and 9. Applicant’s attention is directed to the rejection of claims 1 and 9 above. In addition, Bailey discloses the claimed limitations of “wherein the method further comprises the step of d) composing an ordering scheme for results of said query” (See Bailey col.7, line 65 through col.8, line 32).

As per claims 16 and 23, they have substantially the same limitations as claims 2 and 10. These limitations have already discussed in the rejection of claims 2 and 10. Therefore, they are

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rejected on similar grounds corresponding to the arguments given for the rejected claims 2 and 10 above.

As per claims 3 and 11, Bailey discloses the claimed limitations of “wherein said method further comprises the step of: e) composing a grouping scheme for results of said query” (See Bailey col.9, lines 1-20).

As per claims 17 and 24, they have substantially the same limitations as claims 3 and 11. These limitations have already discussed in the rejection of claims 3 and 11. Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claims 3 and 11 above.

As per claims 4 and 12, most of the limitations of these claims have been noted in the rejection of claims 1 and 9. Applicant’s attention is directed to the rejection of claims 1 and 9 above. In addition, Bailey discloses the claimed limitations of “wherein said composing said criteria clause further comprises resolving joint relationships amongst said input criteria and said additional criteria” (See Bailey col.2, lines 3-10, and col.6, lines 30-34).

As per claims 18 and 25, they have substantially the same limitations as claims 4 and 12. These limitations have already discussed in the rejection of claims 4 and 12. Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claims 4 and 12 above.

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As per claims 5 and 13, Bailey discloses the claimed limitation of “wherein said composing said criteria clause further comprises adding said joint relationships to said criteria clause” (See Bailey col.6, lines 36-48, and col.10, line 55 through col.11, line 4).

As per claims 19 and 26, they have substantially the same limitations as claims 5 and 13. These limitations have already discussed in the rejection of claims 5 and 13. Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claims 5 and 13 above.

As per claims 6 and 14, Bailey discloses the claimed limitation of “wherein said composing said source clause further comprises resolving a source after analyzing said selection clause and said criteria clause”(See Bailey col.10, lines 8-30, and col.13, lines 9-35).

As per claims 20 and 27, they have substantially the same limitations as claims 6 and 14. These limitations have already discussed in the rejection of claims 6 and 14. Therefore, they are rejected on similar grounds corresponding to the arguments given for the rejected claims 6 and 14 above.

As per claim 7, Bailey discloses the claimed limitation of “wherein said query is produced in SQL format” by providing a string query using a SQL format against the database (See Bailey col.6, lines 50-52, lines 63-64, and col.7, lines 5-6).

As per claims 8 and 21, Bailey discloses the claimed limitation of “wherein said method applies said query against said database and results of said query are provided to an output device” (See Bailey col.5, lines 16-23).

As per claim 28, Bailey discloses the claimed limitation of “wherein said signal is a transmission over a network” (See Bailey col.4, lines 11-14, and col.5, lines 22-39).

***Other Prior Art Made Of Record***

- |     |                        |                               |
|-----|------------------------|-------------------------------|
| 13. | Chen et al.            | U. S. Pat. No. 6,421,663,     |
|     | Bonner et al.          | U. S. Pat. No.6, 754,653,     |
|     | Fernandez et al.       | U. S. Pat. No. 6,604,100,     |
|     | Nishizawa et al.       | U. S. Pat. No. 6,694,306,     |
|     | Gutierrez-Rivas et al. | U. S. Pat. No. 6,553,371, and |
|     | Balakrishnan           | U. S. Pub. No.003/0110467.    |

***Conclusion***


14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 Am to 4:30 PM, alt. Fri. off..




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272- 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHARLES RONES  
PRIMARY EXAMINER

  
Jacques Veillard  
TC 2100

December 22, 2004